

REMARKS

Claims 13-31 and 33-37 are pending in the present application. Claims 13, 22, 31, and 34 have been amended for purposes of clarification. In particular, claims 13 and 31 have been amended as suggested by the Examiner at the Interview of January 19, 2006 and to avoid an antecedent basis problem, claim 22 has been amended to correct a typographic error, and claim 34 has been amended so that it depends from claim 31 rather than canceled claim 32. No new matter has been added by the amendments, which find support throughout the specification and figures. In view of the amendments and the following remarks, reconsideration of the present application is respectfully requested.

Applicants gratefully acknowledge the analysis and assistance of the Examiner and his supervisor during the interview of January 19, 2006.

Claims 13-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Baggarly et al. (U.S. Patent No. 4,797,830). In response, Applicant amended independent claims 13 and 31 in a good faith effort to further clarify the claimed invention as distinguished from the applied reference. The Examiner's rejection is, therefore, respectfully traversed.

As amended, independent claim 13 relates to a postal object selecting method in a mail packaging system. The method of claim 13 recites, in part, determining an access charge for each object for an associated customer to a marketer, said determining comprising the steps of: determining an expected gross profit to the marketer from the customer, determining a probability of success of the object with respect to the customer, and determining provisioning costs for the object; determining an expected return on investment for the marketer from one or more of the plurality of customers for one or more of said plurality of objects based on the determined access charge. The method of claim 13 further includes selecting one or more objects

to be assembled into a mail package for one of said plurality of customers, such that the expected return on investment from the customer for said mail package is substantially the same for each of the one or more of the plurality of customers.

In rejecting claim 13, the Examiner relied upon column 1, lines 52-55 and column 2, lines 9-11 of Baggarly et al. The portions relied upon by the Examiner appear to describe a summary of the invention disclosed in Baggarly et al., which appears to be a mail packaging and weighing system. The system disclosed in Baggarly et al. provides for adding advertising inserts and determining the weight of a stuffed envelope so that a maximum number of inserts may be added without raising the postage requirement of an envelope. (see, e.g., col. 2, lines 8-27, col. 9 lines 35-56, Figs. 4A, 4B, 4C, 5A, 5B and their corresponding description in Baggarly et al.) The system described in Baggarly et al., as relied upon by the Examiner, does not appear to include any consideration for *the value of each insert* or any consideration of the *cost-benefit tradeoff* for including any particular insert. The particular reference in Baggarly et al. relied on by the Examiner to show “an expected return on investment” and related features only apparently discloses a machine which makes “an accurate determination of the weight of an envelope and its associated required inserts, results in a substantial financial savings.” (Baggarly et al.; col. 2, lines 9-11). This section of Baggarly et al. does not disclose or even suggest determining an expected return on investment from one or more of the plurality of customers for one or more of said plurality of objects based on a determined access charge.

Baggarly apparently provides for adding advertising inserts and determining the weight of a stuffed envelope so that a maximum number of inserts may be added without raising the postage requirement of an envelope. However, Baggarly does not appear to include any consideration for the value of each insert or any consideration of the cost-benefit tradeoff for

including any particular insert. Additionally, Baggarly does not appear to determine a probability of success of the object with respect to the customer.

Furthermore, claim 13 recites that feature of “selecting one or more objects to be assembled into a mail package for one of said plurality of customers, such that an expected return on investment from the customer for said mail package is substantially the same for each of the one or more of the plurality of customers.” Baggarly et al. does not disclose an object selecting method that includes this feature. Since Baggarly et al. does not suggest or disclose the recited features of claim 13, the reference does not anticipate claim 13.

Claim 31 includes features similar to those recited in claim 13, and is therefore allowable for at least the same reasons as claim 13 is allowable.

Thus, advantageously, the claimed invention provides an additional level to the system of selecting objects in a package, such that a mere postage increase would not automatically preclude an object from being included in a package so long as it is justified by a sufficient increase in expected return.

Applicant, therefore, respectfully submits that amended independent claims 13 and 31, together with claims 14-30 and 33-37 dependent therefrom respectively, are patentable over Baggarly et al.

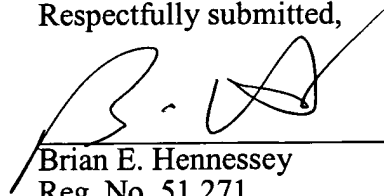
The Examiner has made of record, but not applied, several U.S. patents, a U.S. patent publication, a European patent publication, and a non-patent publication. Applicant appreciates the Examiner’s implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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Docket No: 101353-00054 (ENRIGHT 21.016)

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